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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/914,868	08/19/97	BJORNARD	E 07041/106001

DORSEY & WHITNEY LLP
PILLSBURY CENTER SOUTH
220 SOUTH SIXTH STREET
MINNEAPOLIS MN 55402-1498

MM92/0525

EXAMINER

CHANG, A

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 05/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/914,868

Applicant(s)
Bjornard et al

Examiner
Audrey Chang

Group Art Unit
2872



☒ Responsive to communication(s) filed on Mar 20, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-5, 7-15, 17-22, 31-43, and 47-53 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5, 7-15, 17-22, 31-43, and 47-53 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Remark

1. This Office Action is in response to applicant's amendment filed on March 20, 2000 which has been entered as paper number 17.
2. By this amendment, claims 3, 9, 13, 33, 38, 39, 40, 43, 45 and 47 have been amended and claims 49-53 have been newly added by the applicant. The applicant is respectfully advised that, the amendments to claim 38 appears to be in error and they can not be and have not been entered. Also the addition of claims 49-53 are not in comply with the requirements of 37 CFR 1.121 and MPEP 1453 concerning the manner of making an amendment to Reissue application. Corrections to the amendments are required. Claims 1-15, 17-22, 31-43 and 47-53 remain pending in this application.

Response to Amendment

3. The amendment filed on March 20, 2000 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: claims 33 and 40 recite that the second and fourth layer is each composed of and selected from different groups of materials. The specification only supports that the second and fourth layer are composed of and selected from the same group of materials.

Applicant is required to cancel the new matter in the reply to this Office action.

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Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 33-34 and 40-42 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The reasons for rejection based on the newly added matters are set forth in the paragraph above.

Reissue Applications

6. Claims 9, 10, 19-22, 31-32, 33, 34, 35, 36, 37, 39, 43, 47 and 50-53 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion as follows: The declaration given by the applicant on August 19, 1997 states that the reissue application is filed to correct the error concerning the “DC reactive sputtering deposition of the layer materials to a temperature sensitive substrate having a melting point lower than glass” to make it a broader by using “reactively sputtering deposition”. The cited claims however have failed to remedy the “error” since they fail to claim this feature. Furthermore, they fail to claim the “same invention”, as required in reissue application, as in the original patent, (PN. 5,579,162). The applicant is respectfully reminded, claims 9 and 10 in the reissue application are different from claims 9 and 10 in the original patent since the essential feature “DC reactively sputtering” is not included in the claims of the reissue application. Claims 33, 34, 35, 39, 43, 47 and 50-53 recite various anti-reflection coating that do not contain the essential features concerning the composition of reactively

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sputtering materials and having specific thickness for the layers. They are therefore considered to be “entirely distinct inventions” from the original patent. In re Weiler 229 USPQ 637 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 5, 8, 11-13, 15, 18, 38, 40 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent issued to Okaniwa (PN. 5,667,880) in view of the patent issued to Dickey et al (PN. 5,372,874).

The reasons for rejection based on the teachings of Okaniwa are set forth in the previous Office Action dated October 14, 1999. Okaniwa teaches that the multilayered antireflection film is formed by reactively sputtering the layer materials to a substrate but it does not teach explicitly that the substrate is a temperature sensitive substrate having a melting point lower than glass, such as a plastic substrate. However to form multilayered antireflection coating by reactively sputtering dielectric oxide materials to a plastic substrate is very well known in the art as demonstrated by the teachings of Dickey et al, wherein various layer materials that are suitable for reactive sputtering process to form the antireflection coating on a plastic substrate is disclosed, (please see columns 2-6). It would therefore have been an obvious modification to one having ordinary skill in the art to apply the teachings of Dickey et al for the benefit of providing alternative layer structures and of an alternative choice of substrate to form antireflection coating with desired optical properties.

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9. Claims 4, 7, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent issued to Okaniwa in view of the patent issued to Dickey et al.

The reasons for rejection are set forth in the previous Office Action dated October 14, 1999 and in the paragraph above.

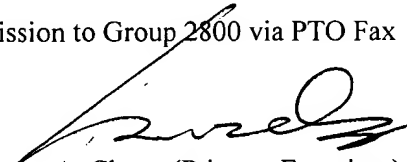
Response to Arguments

10. Applicant's arguments with respect to claims 1-5, 7-8, 11-15, 17-18, 38, 40, and 48 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments are mainly drawn to the substrate being plastic and they are responded and addressed in the paragraphs above. In response to applicant's argument concerning the high refractive materials, the examiner wishes to indicate to the applicant respectfully that both of the cited Okaniwa and Dickey et al references teach the suitable materials used have the refractive indices within the range including the range claimed by the instant application.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chang whose telephone number is (703) 305-6208.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. Papers related to this application may be submitted to Group 2800 through facsimile transmission to Group 2800 via PTO Fax Center (fax number 703-308-7722) located in Crystal Plaza 4.



A. Chang (Primary Examiner)

May 24, 2000